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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,935	10/03/2003	Matthew L. Cooper	FXPL-01085US0	1199
23910	7590	05/23/2008		
FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER AKHAVANNIK, HADI	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 05/23/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/678,935	Applicant(s) COOPER ET AL.	
	Examiner HADI AKHAVANNIK	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/6/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,16,17 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,16 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 17 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Newly submitted claim 17 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 17 uses latent semantic indexing to find a mean feature vector and then finds the closeness between mean feature vectors. This is another way of finding key frames that is different from the original invention's claims.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 17 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

2. The examiner acknowledges the cancellation of claims 2, 14-15, 18-20 and the addition of claims 22-26.

3. Applicant's arguments with respect to claims 1, 11, 16, and 21 have been considered but are moot in view of the new ground(s) of rejection. Please see new rejection below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 12, 16, and 21-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Yeung et al. (article titled "Video Browsing under Clustering and Scene Transitions on Compressed Sequences", referred to as "Yeung" herein).

Regarding claim 1, Yeung discloses a method for discriminatively selecting keyframes representative of segments of a source digital media, comprising the steps of: obtaining said source digital media for which keyframes are to be selected, wherein said digital information contains a plurality of segments (see figure 1 and section 3 where it describes extracting DC sequences using temporal segmentation);

pre-processing said digital information to obtain a plurality of feature vectors (see section 4.1.1 to 4.1.4 as it describes obtaining feature vectors);

and discriminatively selecting a keyframe for each segment, wherein the keyframe for each segment is selected by comparing a candidate keyframe of one segment with other frames from the remaining plurality of segments and determining a dis-similarity value of said candidate keyframe dependent upon said step of comparing, wherein each selected keyframe is both representative of the segment the selected keyframe originates from and distinguishable from other selected keyframes which are representative of the remaining plurality of segments (see the last paragraph of 4.1.4 which describes video shots then see section 4.2 which describes how the video shots which, the examiner is interpreting as keyframes since it is a representative shot of frames, are compared against one another using dissimilarity measures).

Regarding claim 12, the rejection of claim 1 discloses that the feature vectors are obtained from the digital media so they are representative of the media.

Regarding claim 16, see section 4.2 of Yeung as it discloses creating a proximately matrix to see the dissimilarity and similarity between the video shots to each other. Some of the video shots are from similar segments and others are from different segments based on the navigation of the browser but the video shots are all compared against one another.

Regarding claim 21, please see the rejection of claim 1 as it discloses all aspects of claim 21.

Regarding claim 22, the rejection of claim 1 describes how a video shot, which is representative of a segment, is selected based on the proximity index which the examiner is interpreting as a goodness function.

Regarding claim 23, section 4.1.3 describes a subtractive figure which makes up part of the proximity index.

Regarding claim 24, section 4.1.1 describes dividing to obtain part of the proximity index that is being read as the goodness function.

Regarding claim 25, section 4.2 describes how a user can bias the proximity index to obtain more desired results.

Regarding claim 26, the rejection of claim 1 describes how multiple video shots are selected for each segment. Also see figure 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2624

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeung in view of Hansen et al. (20020038456, referred to as "Hansen" herein).

Regarding claim 3, Yeung discloses all aspects of claim 3, except he does not explicitly disclose using a plurality of digital media.

Hansen discloses using a plurality of digital media (see abstract, paragraphs 26-27 and 85-86 as they disclose concatenating multiple types of media such as still media, video clips and other visual and audio clips).

It would have been obvious at the time of the invention to one of ordinary skill in the art to include in Yeung a multiple type of media concatenating method as taught by Yeung. The reason for the combination is because it makes for a more robust system that is able to function on multiple types of system that are presented to it in one stream.

Regarding claim 4, the rejection of claim 3 discloses concatenating the plurality of digital media.

Regarding claim 5, paragraph 26 of Hansen and the rejection of claim 1 discloses using digital video.

Regarding claims 6-7, paragraph 26 of Hansen discloses both audio and image data.

Regarding claim 8, the examiner takes official notice that it would have been exceedingly obvious to one of ordinary skill in the art to include in the combination of Yeung and Hansen digital text. The reason for this is because Hansen already

discloses "other visual and audio data" (paragraph 26 of Hansen) and digital text is a common type of other visual data.

Regarding claim 9, Hansen discloses concatenating multiple digital media such as image and video (see the rejection of claim 3).

Regarding claim 10, Hansen discloses determining if multiple digital media are present in order to concatenate the digital media into a single digital media (see the rejection of claim 3).

Regarding claim 11, the rejection of claim 3 discloses that multiple micro channels, each having their own digital media, are sent to the distribution system to create one stream of digital data. And, in order to concatenate the digital media the system must realize what types of media are being sent from each micro channel. See paragraphs 84-87 of Hansen for more details.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HADI AKHAVANNIK whose telephone number is (571)272-8622. The examiner can normally be reached on 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh M. Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bhavesh M Mehta/
Supervisory Patent Examiner, Art Unit 2624

HA
5/19/08